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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

AJ ARRIOLA,

Plaintiff,

v.

COSTCO WHOLESALE CORPORATION,
AKA COSTCO,

Defendant.

Civil No. 3:22-cv-01060

NOTICE OF REMOVAL OF ACTION;
UNDER 28 U.S.C. §1441(b)
(DIVERSITY)

DEMAND FOR JURY TRIAL

TO THE CLERK OF THE UNITED STATES DISTRICT COURT, DISTRICT OF OREGON, PORTLAND DIVISION:

PLEASE TAKE NOTICE that, pursuant to 28 USC §§1441 and 1446, Defendant Costco Wholesale Corporation (“Costco”) hereby removes to this Court the case now pending in Multnomah County Circuit Court as *AJ Arriola v. Costco Wholesale Corporation*, Case No. 22CV20645.

As grounds for removal, Costco states as follows:

NOTICE OF REMOVAL IS TIMELY

(1) On June 21, 2022, Plaintiff AJ Arriola (“Plaintiff”) filed a complaint in this action now pending in Multnomah County Circuit Court as *AJ Arriola v. Costco Wholesale Corporation*, Case No. 22CV20645. Pursuant to 28 USC §1446(a), all state court papers served on Costco at the time of removal, consisting of a Summons, Complaint and service documents totaling 13 pages are attached hereto as Exhibit 1.

(2) This Notice of Removal is timely filed under 28 USC §1446(b), which provides that a notice of removal must be filed within 30 days after a defendant receives, by service or otherwise, the initial pleading. As of the date of filing this Notice of Removal, Costco had been served with process. Plaintiff served Costco through its Registered Agent, CT Corporation System, Salem, Oregon, on July 5, 2022. *See* Ex. 1, p. 1.

(3) No further proceedings have been had in the Circuit Court of Multnomah County, Oregon, as of the date of filing this Notice of Removal.

DIVERSITY JURISDICTION EXISTS

(4) This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. §1332. This action may be removed pursuant to 28 USC §1441 because the action involves a controversy between a citizen of Oregon and citizen of Washington; and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

(5) That based upon information and belief, Defendant Costco believes that Plaintiff was, when he filed his Complaint, and is now a citizen and resident of the State of Oregon.

(6) Defendant Costco was, when Plaintiff filed his Complaint, and is now, a corporation incorporated under the laws of the State of Washington, with their principal place of business in the State of Washington.

(7) Plaintiff alleges money damages of 215,000.00, exclusive of interest and costs. Ex. 1, p. 3.

REMOVAL TO THIS DISTRICT IS PROPER

(8) Pursuant to 28 USC §1332, 1441, and 1446, removal of the above-captioned state court action to this Court is appropriate.

(9) Pursuant to 28 USC §1441(a), removal is made to this Court as the district and division embracing the place where the state action is pending.

(10) Costco is providing to Plaintiff, through his lawyer, written notice of the filing of this Notice of Removal. Furthermore, Costco is filing a copy of this Notice of Removal with the Clerk of the Circuit Court of Multnomah County, Oregon, where the action is currently pending.

DATED this 20th day of July, 2022.

BRISBEE & STOCKTON LLC

By: /s/ Drake A. Hood
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